

REMARKS

Claims 1-3, 6, 8, 9, 14, 15, and 17 are pending in the present application. Claims 1, 2, 6, 8, 9, 14, 15 and 17 are herein amended. Claims 7, 10 and 11 are herein cancelled. No new matter has been added. In light of the forgoing amendments, and the following remarks, Applicant earnestly solicits favorable reconsideration.

Claim Rejections – 35 U.S.C. §112

Claim 17 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Applicant has amended independent claim 17 to remove the claim from means-plus-function analysis. That is, applicants respectfully submit that claim 17 no longer contains any means-plus-function language and as such, applicant respectfully asks the examiner to withdraw the rejection.

Claims 1-3, 6-11, 14, 15 and 17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, as discussed above, no means-plus-function language is recited and claim 17 does not fall under a means-plus-function analysis. As such, applicant respectfully submits that the claim is definite and ask that the examiner withdraw the rejection.

Regarding claims 1, 2, 6, 8, 9, 14, 15 and 17, applicants have herein amended the claims and respectfully submit that the claims are in proper form. As such, applicant asks that the rejections of the claims under 35 U.S.C. § 112 second paragraph be withdrawn.

Regarding claims 6, 3, 7 and 10, claims 7 and 10 are canceled and claim 6 is amended. Applicant respectfully submits that the claims are in proper form and asks that the rejection of the claims under 35 U.S.C. § 112 second paragraph be withdrawn.

Claim Rejections – 35 U.S.C. §102

Claims 6-11, and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2002/0032601 to *Admasu et al.*

Regarding independent claim 6, applicants have amended claim 6 to explicitly recite a method. Applicants respectfully submit that claim 6 is not disclosed or rendered obvious by *Admasu*, and ask the examiner to withdraw the rejection and allow the claim.

Regarding claims 8, 9 and 15, the claims have been amended to recite "...storing a program, the program causing a computer to perform...." Applicants respectfully submit that this feature is not disclosed or rendered obvious by the references.

This amendment clarifies that the program causes the computer to perform each of the steps. As such, applicant respectfully submits that claims 9, 9 and 15 distinguish over *Admasu*.

As such, applicant respectfully asks that the examiner withdraw the rejection and allow the application.

Claim Rejections – 35 U.S.C. §103

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Admasu et al.* in view of U.S. Patent No. 5,974,453 to *Andersen et al.* in view of U.S. Publication No. 2003/0050793 to *Lejeune*.

Claims 2, 3, 6-11, 14, 15 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Admasu et al.*, in view of *Andersen t al.* in view of *LeJeune* as applied above, and further in view of U.S. Publication No. 2002/0147673 to *Allen*.

Applicant respectfully traverses this rejection.

Since the publication date of cited document *LeJeune* is after the priority date of the present application, *LeJeune* does not correspond to a prior publication recited in 35 U.S.C. §§ 102(a) or 102(b). Please note that the translation of the priority document of the present application was filed on June 5, 2008.

LeJeune is a US Patent Publication (i.e., a PCT international application entered into the national phase in the US under 35 U.S.C. 371) which is based on the international application (published in French; designated country is the US; application number PCT/FRO1/00732). Therefore, *LeJeune* is not prior art under 35 U.S.C. 102(e). Further, *LeJeune* is not prior art under 35 U.S.C. §§ 102(b), 102(a), as *LeJeune* was not published until March 13, 2003, after applicants perfected priority date of September 20, 2002.

As such, applicants respectfully submit that the rejection is rendered moot, and ask that the examiner allow the application.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Application No. 10/662,324
Art Unit: 3692

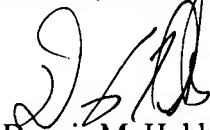
Amendment under 37 C.F.R. §1.111
Attorney Docket No. 030192A

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read 'D. Hubbs', is positioned above the printed name.

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